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| <b>TRANSMITTAL FORM</b><br><br>(to be used for all correspondence after initial filing) |   | <b>Application Number</b>     | 09/974,712     |
|   |   | <b>Filing Date</b>            | 10/10/01       |
|   |   | <b>First Named Inventor</b>   | Friddle        |
|   |   | <b>Group Art Unit</b>         | 1645           |
|   |   | <b>Examiner Name</b>          | To Be Assigned |
| <b>Total Number of Pages in This Submission</b>   | 3 | <b>Attorney Docket Number</b> | LEX-0251-USA   |

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| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |   |
|--|---|
| Firm or Individual name                    | Lance K. Ishimoto, Reg. No. 41,866<br>Lexicon Genetics Incorporated |
| Signature                                  | <i>[Signature]</i> Peter G. Seferian<br>Reg No 40162                |
| Date                                       | October 30, 2002  |

| CERTIFICATE OF MAILING  |                    |      |                  |
|---|--------------------|------|------------------|
| I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 2327, Arlington, VA 22202 on this date: October 30, 2002 |                    |      |                  |
| Typed or printed name   | Nancy Stacey       |      |                  |
| Signature   | <i>[Signature]</i> | Date | October 30, 2002 |

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant(s): Friddle et al.

Group Art Unit: 1647

Serial No.: 09/974,712

Examiner: R.S. Landsman

Filed: 10/10/01

Title: Novel Human Ion Channel Protein and Polynucleotides Encoding the Same

Attorney Docket No.: LEX-0251-USA

**RESPONSE TO RESTRICTION AND ELECTION REQUIREMENTS**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

The Examiner is respectfully requested to accept the following response to the Restriction and Election Requirement mailed September 30, 2002 (Paper No. 6).

**Restriction Requirement**

The Examiner has determined that the original claims are directed to two separate and distinct inventions under 35 U.S.C. § 121, as follows:

- Group I. Claims 1- 3, said to be drawn to isolated nucleic acid molecule of SEQ ID NO:1 and encoding SEQ ID NO:2, classified in class 536, subclass 23.5.
- Group II: Claim 4, said to be drawn to isolated oligopeptide of SEQ ID NO:2, classified in class 530, subclass 300.

**Response to Restriction and Election Requirement**

In response to the Restriction and Election Requirement mailed September 30, 2002 (Paper No. 6), Applicants elect without traverse to prosecute Group I, Claims 1- 3, said to be drawn to isolated nucleic acid molecule of SEQ ID NO:1 and encoding SEQ ID NO:2, classified in class 536, subclass 23.5. Elected Claims 1-3 read on the elected species. Accordingly, please cancel claim 4 without prejudice and disclaimer as being drawn to non-elected inventions. Applicant reserves the right to refile

claims to the non-elected inventions in one or more future applications retaining the priority date of the present case and the earlier cited priority applications.

Although Applicants believe that no additional fees are due in connection with this response, the Commissioner is authorized to charge any underpayment or credit any overpayment required with this response to Deposit Account No. 50-0892.

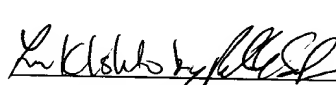
### **Conclusion**

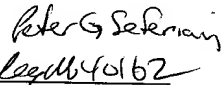
The present document is a complete response to the Restriction and Species Election Requirement. Applicants believe that the claims of the instant application meet all of the conditions for patentability and are in condition for allowance. Accordingly, an early indication of the same is respectfully requested. Should the Examiner have any questions or comments a telephone call to the undersigned Applicants' representative is earnestly solicited.

Respectfully submitted,

10/30/02

Date

  
Lance K. Ishimoto

  
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